

EXHIBIT 18

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
et al., :
 :
Plaintiffs :
 :
v. : No. 1:23-cv-00108
 :
GOOGLE, LLC, :
 :
Defendants. :


Tuesday, August 15, 2023

Video Deposition of ALLEN OWENS,
taken at the Law Offices of Paul, Weiss, Rifkind,
Wharton & Garrison LLP, 2001 K St NW, Washington,
DC, beginning at 9:37 a.m. Eastern Standard Time,
before Ryan K. Black, Registered Professional
Reporter, Certified Livenote Reporter and Notary
Public in and for the District of Columbia

Job No. CS6037511

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 ANTITRUST DIVISION</p> <p>5 BY: JIMMY MCBIRNEY, ESQ</p> <p>6 CHASE PRITCHETT, ESQ</p> <p>7 ALVIN CHU, ESQ</p> <p>8 MARK SOSNOWSKY, ESQ - Via Zoom</p> <p>9 KATHERINE CLEMONS, ESQ - Via Zoom</p> <p>10 JULIA TARVER-WOOD, ESQ - Via Zoom</p> <p>11 450 5th Street, N W</p> <p>12 Washington, DC 20530</p> <p>13 202 514 2414</p> <p>14 jimmy.mcbirney@usdoj.gov</p> <p>15 chase.pritchett@usdoj.gov</p> <p>16 alvin.chu@usdoj.gov</p> <p>17 mark.sosnowsky@usdoj.gov</p> <p>18 katherine.clemons@usdoj.gov</p> <p>19 julia.tarver-wood@usdoj.gov</p> <p>20 Representing - The United States of America</p> <p>21</p> <p>22</p> <p>23</p> <p>24 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP,</p> <p>25 BY: MARTHA L. GOODMAN, ESQ</p> <p>LEAH HIBBLER, ESQ</p> <p>2001 K St NW,</p> <p>Washington, DC</p> <p>202 223 7341</p> <p>mgoodman@paulweiss.com</p> <p>lhibbler@paulweiss.com</p> <p>Representing - Google LLC</p> <p>ALSO PRESENT:</p> <p>Orson Braithwaite - Legal Videographer</p> <p>Ann Bruck - Department of the Navy</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: Good morning. We're</p> <p>2 going on the record at 9:37 a.m. on August 15th,</p> <p>3 2023. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering and private</p> <p>5 conversations. Please mute your phones at this</p> <p>6 time. Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go</p> <p>8 off the record.</p> <p>9 This is Media Unit 1 of the</p> <p>10 video-recorded deposition of Mr. Allen Owens</p> <p>11 in the matter of United States, et al., versus</p> <p>12 Google LLC, filed in the United States District</p> <p>13 Court, Eastern District of Virginia, Alexandria</p> <p>14 Division. Case Number 1:23-cv-00108-LMB-JFA.</p> <p>15 My name is Orson Braithwaite,</p> <p>16 representing Veritext Legal Solutions, and I'm</p> <p>17 the videographer. The court reporter is Ryan</p> <p>18 Black from the firm Veritext Legal Solutions.</p> <p>19 Counsel will now state their appearances</p> <p>20 and affiliations for the record.</p> <p>21 MS. GOODMAN: Martha Goodman of the law</p> <p>22 firm Paul Weiss on behalf of Google LLC, and I'm</p> <p>23 joined by my colleague Leah Hibbler.</p> <p>24 MR. MCBIRNEY: Jim McBirney on behalf of</p> <p>25 the Department of Justice on behalf of the United</p>
<p style="text-align: right;">Page 3</p> <p>1 INDEX</p> <p>2 TESTIMONY OF: ALLEN OWENS PAGE</p> <p>3 By Ms. Goodman.....6</p> <p>4 EXHIBITS</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 Exhibit 52 a document Bates Numbered</p> <p>NAVY-ADS174029 through</p> <p>NAVY-ADS174060.....62</p> <p>7 Exhibit 53 a document Bates Numbered</p> <p>NAVY-ADS256935 through</p> <p>NAVY-ADS257031.....97</p> <p>8 Exhibit 54 a document Bates Numbered</p> <p>NAVY-ADS12756 through</p> <p>NAVY-ADS12800.....102</p> <p>9 Exhibit 55 a document Bates Numbered</p> <p>NAVY-ADS241136 through</p> <p>NAVY-ADS241143.....111</p> <p>10 Exhibit 56 a document Bates Numbered</p> <p>NAVY-ADS15543 through</p> <p>NAVY-ADS15622.....130</p> <p>11 Exhibit 57 a document Bates Numbered</p> <p>NAVY-ADS19114 through</p> <p>NAVY-ADS19182.....146</p> <p>12 Exhibit 58 a document Bates Numbered</p> <p>NAVY-ADS45197 through</p> <p>NAVY-ADS45206.....172</p> <p>13 Exhibit 59 a document Bates Numbered</p> <p>NAVY-ADS103897 through</p> <p>NAVY-ADS103900.....182</p> <p>14 Exhibit 60 a document Bates Numbered</p> <p>NAVY-ADS28530 through</p> <p>NAVY-ADS28531.....187</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 States and the witness.</p> <p>2 MR. PRITCHETT: Chase Pritchett on</p> <p>3 behalf of the United States.</p> <p>4 MR. CHU: Alvin Chu on behalf of the</p> <p>5 United States.</p> <p>6 MS. GOODMAN: And then will any</p> <p>7 attorneys appearing remotely please state your</p> <p>8 presence.</p> <p>9 MR. SOSNOWSKY: Mark Sosnowsky, U.S.</p> <p>10 Department of Justice.</p> <p>11 MS. CLEMONS: Katherine Clemons,</p> <p>12 Department of Justice.</p> <p>13 MS. GOODMAN: Is there any --</p> <p>14 MS. BRUCK: Ann Bruck, Department of</p> <p>15 Navy.</p> <p>16 THE VIDEOGRAPHER: We have a Ms. Wood.</p> <p>17 MS. TARVER-WOOD: Yes. This is Julia</p> <p>18 Tarver-Wood from DOJ. I'm not officially</p> <p>19 entering an appearance. I'll be in and out</p> <p>20 throughout the day.</p> <p>21 THE VIDEOGRAPHER: Thank you. Will the</p> <p>22 court reporter please swear in the witness?</p> <p>23 * * *</p> <p>24 Whereupon --</p> <p>25 ALLEN OWENS,</p>

<p style="text-align: right;">Page 210</p> <p>1 MR. MCBIRNEY: Object to form.</p> <p>2 THE WITNESS: Sitting here today, I -- I</p> <p>3 cannot remember where I've seen that term.</p> <p>4 BY MS. GOODMAN:</p> <p>5 Q. Do you recall ever seeing it in any</p> <p>6 documents provided to you by VMLY&R?</p> <p>7 A. As mentioned a moment ago, I cannot</p> <p>8 recall where I've seen the term.</p> <p>9 Q. And, thus, you don't know whether you've</p> <p>10 seen it in any documents provided by VMLY&R,</p> <p>11 correct?</p> <p>12 MR. MCBIRNEY: Objection. Asked and</p> <p>13 answered. Mischaracterizes the testimony.</p> <p>14 THE WITNESS: Yeah. As I -- as I</p> <p>15 testified, I don't recollect where I've seen the</p> <p>16 term.</p> <p>17 BY MS. GOODMAN:</p> <p>18 Q. Okay. Have you had any discussions</p> <p>19 with anybody about the term Open Web Display</p> <p>20 Advertising and what it means?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Prior to the filing of this lawsuit</p> <p>23 in January of 2023, were you aware of any</p> <p>24 anticompetitive conduct on the part of Google</p> <p>25 affecting Navy's advertising?</p>	<p style="text-align: right;">Page 212</p> <p>1 MR. MCBIRNEY: Objection. Assumes</p> <p>2 facts.</p> <p>3 THE WITNESS: Oftentimes, a lot of the</p> <p>4 businesses that we use will be referred to as a</p> <p>5 partner if we're doing business with them, so</p> <p>6 I -- I may have referred to Google as a partner.</p> <p>7 BY MS. GOODMAN:</p> <p>8 Q. Has Google helped the Navy with respect</p> <p>9 to recruiting more sailors to join?</p> <p>10 MR. MCBIRNEY: Objection; foundation.</p> <p>11 THE WITNESS: We have found lots of</p> <p>12 value in many of the Google buys that we've done.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And the Google buys that you've done</p> <p>15 that you've found value in, does that relate to</p> <p>16 YouTube buys?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And how about with respect to</p> <p>19 search?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Can you describe in any more</p> <p>22 detail the value that you have found in many of</p> <p>23 the Google buys that the Navy has done?</p> <p>24 A. In particular, some of the YouTube</p> <p>25 activations we've had have had extremely high</p>
<p style="text-align: right;">Page 211</p> <p>1 MR. MCBIRNEY: You can answer that</p> <p>2 question to the extent it does not disclose</p> <p>3 communications with counsel.</p> <p>4 THE WITNESS: To my knowledge, no.</p> <p>5 BY MS. GOODMAN:</p> <p>6 Q. And how about prior to this lawsuit,</p> <p>7 did you ever have any concerns in your capacity</p> <p>8 as the director of marketing for the Navy</p> <p>9 Recruiting Command that Google was engaging in</p> <p>10 anticompetitive conduct related to digital</p> <p>11 advertising?</p> <p>12 MR. MCBIRNEY: Objection to foundation.</p> <p>13 THE WITNESS: Prior to this, I had no</p> <p>14 knowledge of nor reason to suspect that of</p> <p>15 Google.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Prior to this lawsuit, did you have</p> <p>18 ever -- did you ever have any concerns that</p> <p>19 Google was engaging in any conduct that was</p> <p>20 causing the Navy harm with respect to its digital</p> <p>21 advertising?</p> <p>22 A. Sitting here today, I can -- I can think</p> <p>23 of no reason to believe that.</p> <p>24 Q. You described Google, in fact, as a</p> <p>25 partner of the Navy, right?</p>	<p style="text-align: right;">Page 213</p> <p>1 video completion rates.</p> <p>2 Q. Any other --</p> <p>3 THE VIDEOGRAPHER: Counsel, the Zoom's</p> <p>4 offline.</p> <p>5 MS. GOODMAN: Let's take a break.</p> <p>6 MR. MCBIRNEY: We're going to be here a</p> <p>7 while.</p> <p>8 THE VIDEOGRAPHER: The time is 5:07 p m.</p> <p>9 We're going off the record.</p> <p>10 (Recess taken.)</p> <p>11 THE VIDEOGRAPHER: Time is 5:14 p.m.</p> <p>12 We're on the record.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. Mr. Owens, can you describe any other</p> <p>15 instances that the Navy has found value in any of</p> <p>16 the Google buys that it has done?</p> <p>17 A. Paid search, as well. We've found value</p> <p>18 there.</p> <p>19 I don't have a list at the ready, but</p> <p>20 -- but there's -- it's been on many occasions.</p> <p>21 Q. Can you approximate the number of</p> <p>22 occasions that you've found value in Google buys</p> <p>23 for the Navy?</p> <p>24 MR. MCBIRNEY: Objection; foundation.</p> <p>25 THE WITNESS: Yeah. I -- I can't</p>

<p style="text-align: right;">Page 278</p> <p>1 Q. Other than yourself, was there</p> <p>2 any person who is not a lawyer who provided</p> <p>3 information that assisted in responding to the</p> <p>4 interrogatories that you verified?</p> <p>5 MR. MCBIRNEY: Objection to foundation.</p> <p>6 THE WITNESS: Yeah. As I -- as I</p> <p>7 testified earlier, I did have members of my</p> <p>8 team assist me in providing my response to the</p> <p>9 interrogatories.</p> <p>10 BY MS. GOODMAN:</p> <p>11 Q. Okay. Anybody outside of members of</p> <p>12 your team assist in providing information to help</p> <p>13 in res -- responding to the interrogatories?</p> <p>14 MR. MCBIRNEY: Same objection.</p> <p>15 THE WITNESS: Not that I recall.</p> <p>16 BY MS. GOODMAN:</p> <p>17 Q. Anybody at Wavemaker provide information</p> <p>18 that assisted in responding to these</p> <p>19 interrogatories?</p> <p>20 A. Not that I recall.</p> <p>21 Q. Same question as to VMLY&R.</p> <p>22 A. Not that I recall.</p> <p>23 Q. Did Mr. Edmondson provide any</p> <p>24 information that was -- that assisted in</p> <p>25 responding to the interrogatories that you</p>	<p style="text-align: right;">Page 280</p> <p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 I do hereby certify that I am a Notary</p> <p>4 Public in good standing, that the aforesaid</p> <p>5 testimony was taken before me, pursuant to</p> <p>6 notice, at the time and place indicated; that</p> <p>7 said deponent was by me duly sworn to tell the</p> <p>8 truth, the whole truth, and nothing but the</p> <p>9 truth; that the testimony of said deponent was</p> <p>10 correctly recorded in machine shorthand by me and</p> <p>11 thereafter transcribed under my supervision with</p> <p>12 computer-aided transcription; that the deposition</p> <p>13 is a true and correct record of the testimony</p> <p>14 given by the witness; and that I am neither of</p> <p>15 counsel nor kin to any party in said action, nor</p> <p>16 interested in the outcome thereof.</p> <p>17</p> <p>18 WITNESS my hand and official seal this</p> <p>19 17th day of</p> <p>20 </p> <p>21</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 279</p> <p>1 verified?</p> <p>2 A. I would consider him to be covered under</p> <p>3 the question of VMLY&R, so not that I recall.</p> <p>4 Q. Same question as to Sandra Mouio?</p> <p>5 A. And same response. I would consider her</p> <p>6 to be part of the Wavemaker entity, so not that I</p> <p>7 recall.</p> <p>8 MR. MCBIRNEY: Can I get a check on the</p> <p>9 time?</p> <p>10 THE VIDEOGRAPHER: 7:02.</p> <p>11 MR. MCBIRNEY: I guess that's time.</p> <p>12 MS. GOODMAN: Thank you for your time,</p> <p>13 Mr. Owens.</p> <p>14 THE VIDEOGRAPHER: Off the record,</p> <p>15 Counsel?</p> <p>16 MS. GOODMAN: Yes.</p> <p>17 MR. MCBIRNEY: Off the record.</p> <p>18 THE VIDEOGRAPHER: The time is 7:03 p m.</p> <p>19 We're off the record.</p> <p>20 (Deposition concluded -- 7:02 p.m.)</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 281</p> <p>1 Jimmy McBirney, Esq.</p> <p>2 jimmy.mcbirney@usdoj.gov</p> <p>3 August 17, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/15/2023, Allen Owens (#6037511)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 erratas-cs@veritext.com</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>